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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,909	12/28/1999	RICHARD D. MARRY	E-954	2919
919	7590	05/25/2005	EXAMINER	
PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/474,909	Applicant(s) MARRY ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed 1/18/2005 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view SANSONE (US patent 5,257,196).

As for independent method claim 1, AAPA, as shown in "Background" of the specification, discloses a method for processing of mail comprising steps (a)-(c) as below:

(a) collecting information about each one of a plurality of mail pieces sorted using the incoming mail sorting apparatus, the information used to determine a type of mail piece and a type of addresses information for each one of the plurality of mail pieces;

(b) determine the type of mail piece using the information collected in (a);

(c) associating the information about each one of the plurality of mail pieces sorted using the incoming mail sorting apparatus with addressee information from the database of addresses.

AAPA teaches the claimed invention except for steps (d) and (e).

In a similar process for processing mail, SANSONE further teaches a step for determining a statement sheet or mailroom cost for a quantities of mails to be processed wherein a piece count (determination of the number of mail pieces) is (d) recorded/stored in an optical character reader channel sorter (OCR-CS) and (e) calculating the incoming sorting cost information using the piece count and a predetermined unit price for each type of mail piece and the piece count for each type of mail piece {see col. 2, lines 10-36 "*determination of the number of mailpieces ...be done with modern equipment through mail processing machines used by the Post Office, such as an optical character reader channel sorter (OCR-CS)*", col. 3, lines 45-67, col.

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4, lines 20-45, col. 5, lines 1-30, col. 6, lines 20-67, Fig. 5}. Note that on Fig. 5, "Statement Sheet", item (140), it discloses information wr to "serial #", "total pieces count", "meter #", "mailing date", "postage computation" for different weight class, 1 OZ, 2 OZ, 3 OZ, Total, "# PCS", "\$ Amount", under "2 OZ", 64 pieces of 1st class presort for \$22.400 (\$0.35/piece count or unit price), and 100 pieces of zip+ 4 presort for \$34.500 (\$0.345/piece count or unit price), for a total cost of "56.900". Note that the cost/unit price is predetermined number or relative number depends on the specific location, time, etc. SANSONE on Fig. 15 (141), also discloses a summary of the financial transaction including beginning balance, postage used cost (sorting cost information) of \$105.260, and ending balance. This is equivalent to "mailroom charge back cost" or would have been obvious to call it so if desired since the exact term is not critical.

It would have been obvious to modify the teaching of AAPA by including the limitations of (d) and (e) as taught by SANSONE for the benefit of determining postage cost for mail usages or mail room cost for charge back purpose. As taught in col. 2, lines 30-37, the inclusion of the piece count mechanism or the chronicle device into modern mail processing OCR-CS equipment such as that of AAPA would have been obvious and within the knowledge of the skilled artisan.

As for dep. claim 2 (part of 1), which deals with well known mail pieces parameters, types of mail pieces such as letter, flat or postcard, etc., this is non-essential to the scope of the claimed invention and is fairly taught in AAPA/SANSONE in view of the teaching of SANSONE on Fig. 5, (142), "1st class, letters, with different weight class, 1 oz, or 2oz, or 3 oz or col. 2, lines 10-20.

As for dep. claim 3 (part of 1), which deals with well known mail pieces parameters, types of addressee information, such as hand print, hand script, or interoffice, etc., this is non-essential to the scope of the claimed invention and is inherently included in the teaching of AAPA wherein the OCR is capable of reading any type of addressee information.

5. Dependent claims 2-3 are rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over AAPA/SANSONE as applied to claims 1-3 above, and further in view of PEOPLES "Article 7/1998 "Mission Possible..."

The teachings of AAPA/SANSONE is cited above. In another similar mail processing system, PEOPLES is cited to teach well known mail pieces information parameters: about 80% of mails in the US has a machine-pirinted address and 20% is handwritten and mails come in a wide variety of sizes and envelope colors (letter, flat and postcard), locations of addressee varying and plus there are low quality fonts and poor handwritten. See abstract. It would have been obvious to modify some of the mail pieces information of AAPA / SANSONE to include other well known information including types of mail pieces and types of addressee as taught by PEOPLES.

6. Claims 1-3 are rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over GOTTLIEB et al (US patent 6,283,304) in view SANSONE (US patent 5,257,196).

As for independent method claim 1, GOTTLIEB et al, as shown in Fig. 1, col. 3, lines 25-60, fairly teaches the information as shown in the "Background" of the

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specification, which discloses a method for processing of mail comprising steps (a)-(c) as below:

(a) collecting information about each one of a plurality of mail pieces sorted using the incoming mail sorting apparatus, the information used to determine a type of mail piece and a type of addresses information for each one of the plurality of mail pieces;

(b) determine the type of mail piece using the information collected in (a);

(c) associating the information about each one of the plurality of mail pieces sorted using the incoming mail sorting apparatus with addressee information from the database of addresses.

GOTTlieb et al teaches the claimed invention except for steps (d) and (e).

In a similar process for processing mail, SANSONE further teaches a step for determining a statement sheet or mailroom cost for a quantities of mails to be processed wherein a piece count (determination of the number of mail pieces) is (d) recorded/stored in an optical character reader channel sorter (OCR-CS) and (e) calculating the incoming sorting cost information using the piece count and a predetermined unit price for each type of mail piece and the piece count for each type of mail piece {see col. 2, lines 10-36 "*determination of the number of mailpieces ...be done with modern equipment through mail processing machines used by the Post Office, such as an optical character reader channel sorter (OCR-CS)*", col. 3, lines 45-67, col. 4, lines 20-45, col. 5, lines 1-30, col. 6, lines 20-67, Fig. 5}. Note that on Fig. 5, "Statement Sheet", item (140), it discloses information wr to "serial #", "total pieces count", "meter #", "mailing date", "postage computation" for different weight class, 1 OZ,

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2 OZ, 3 OZ, Total, "# PCS", "\$ Amount", under "2 OZ", 64 pieces of 1st class presort for \$22.400 (\$0.35/piece count or unit price), and 100 pieces of zip+ 4 presort for \$34.500 (\$0.345/piece count or unit price), for a total cost of "56.900". Note that the cost/unit price is predetermined number or relative number depends on the specific location, time, etc. SANSONE on Fig. 15 (141), also discloses a summary of the financial transaction including beginning balance, postage used cost (sorting cost information) of \$105.260, and ending balance. This is equivalent to "mailroom charge back cost" or would have been obvious to call it so if desired since the exact term is not critical.

It would have been obvious to modify the teaching of GOTTLIEB et al by including the limitations of (d) and (e) as taught by SANSONE for the benefit of determining postage cost for mail usages or mail room cost for charge back purpose. As taught in col. 2, lines 30-37, the inclusion of the piece count mechanism or the chronicle device into modern mail processing OCR-CS equipment such as that of GOTTLIEB et al would have been obvious and within the knowledge of the skilled artisan.

As for dep. claim 2 (part of 1), which deals with well known mail pieces parameters, types of mail pieces such as letter, flat or postcard, etc., this is non-essential to the scope of the claimed invention and is fairly taught in GOTTLIEB et al /SANSONE in view of the teaching of SANSONE on Fig. 5, (142), "1st class, letters, with different weight class, 1 oz, or 2oz, or 3 oz or col. 2, lines 10-20.

As for dep. claim 3 (part of 1), which deals with well known mail pieces parameters, types of addressee information, such as hand print, hand script, or

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interoffice, etc., this is non-essential to the scope of the claimed invention and is inherently included in the teaching of GOTTLIEB et al wherein the OCR is capable of reading any type of addressee information.

7. Claims 2-3 are rejected (3rd) under 35 U.S.C. 103(a) as being unpatentable over GOTTLIEB et al/SANSONE as applied to claims 1-3 above, and further in view of PEOPLES "Article 7/1998 "Mission Possible...".

The teachings of GOTTLIEB et al /SANSONE is cited above. In another similar mail processing system, PEOPLES is cited to teach well known mail pieces information parameters: about 80% of mails in the US has a machine-printed address and 20% is handwritten and mails come in a wide variety of sizes and envelope colors (letter, flat and postcard), locations of addressee varying and plus there are low quality fonts and poor handwritten. See abstract. It would have been obvious to modify some of the mail pieces information of GOTTLIEB et al / SANSONE to include other well known information including types of mail pieces and types of addressee as taught by PEOPLES.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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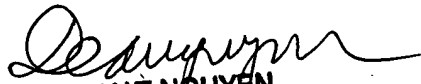
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (571) 272-6812. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtm
May 13, 2005


DEANT. NGUYEN
PRIMARY EXAMINER